

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:06-CR-00074-F-1

No. 4:14-CV-00128-F

ANTHONY RAVON RUFFIN,	)	
Petitioner,	)	
	)	
v.	)	<u>ORDER</u>
	)	
UNITED STATES OF AMERICA,	)	
Respondent.	)	

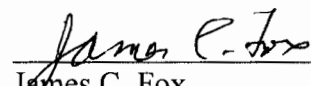
This matter is before the court on Anthony Ravon Ruffin's pending Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-70].

A review of the record reveals that Ruffin previously filed a § 2255 motion. Pursuant to 28 U.S.C. § 2244(b)(3)(A), "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." In this case, Ruffin must first obtain an order from the Fourth Circuit Court of Appeals before this court will consider any successive petition under 28 U.S.C. § 2255.

In light of the foregoing, Ruffin's pending Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-70] is DISMISSED without prejudice to him to seek pre-filing authorization from the Fourth Circuit Court of Appeals. The motions filed in connection with Ruffin's § 2255 motion [DE-72, DE-73, DE-74, DE-75, DE-76] are DISMISSED as moot. The court concludes that Ruffin has not made the requisite showing to support a certificate of appealability. Therefore, a certificate of appealability is DENIED.

SO ORDERED.

This the 24 day of July, 2014.

  
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James C. Fox  
Senior United States District Judge